IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

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PRESENT

**THE HON'BLE MRS JUSTICE T.MEENA KUMARI**

**WRIT PETITION NO : 18885 of 1994**

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Between:

Smt. Karanam Venkatamma, W/o. Kondaiah,
R/o. Mahaboobnagar Last, Hanumaiah nagar, Donka

Road, Arundalpet, Guntur.

**..... PETITIONER**

AND

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1 Special Officer and Competent Authority, Urban Land

Ceilings, Arundalpet, Guntur.
2 Commissioner, Land Reforms and Urban Land Ceilings,
Hyderabad.
3 Government of Andhra Pradesh, Rep. by Secretary,
Secretariat Buildings, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records and issue a Writ of Mandamus declaring the entire proceedings under Sec.9, 10(1), 10(3) and 10(5) of U.L.C Act in CC.No.1058/76 on the file of the 1st Respondent and the proceedings of the 2nd respondent in G.N.T.No.93/91 dated 15-09-1994 as null and void and to issue such

**Counsel for the Petitioner: MR.P.M.GOPAL RAO**

**Counsel for Respondents: GP FOR REVENUE**

**The Court Made the Following ORDER**:

The present writ petition is filed questioning the orders passed by the first respondent under Sections 9, 10 (1), 10(3) and 10(5) of Urban Land Ceiling Act in C.C.No.1058 of 1976 and the proceedings of the second respondent in G.N.T.No.93/91 dated 15-9-1994.

The petitioner was the owner of the agricultural land to an extent of 11504.97 Sq.Mts. with two residential houses and a cattle shed in S.No.185/5 of Guntur revenue village. After the commencement of Urban Land Ceiling Act 1976 (for short 'the Act') the petitioner submitted a statement under Section 6(1) of the Act to the first respondent for exempting the said land. The first respondent without issuing any notice calling upon him to file objections prepared a draft statement on 31-10-1977 and a final statement dated 30-10-1979 under Section 9 of the Act determining the excess land as 9505.97 Sq. Mts., after leaving 2000 Sq.Mts. as permissible holding for vacant land, and to that effect a notification under Section 10(1) of the Act was published in the Gazette on 15-12-1988. Notice dated 27-9-1991 under Section 10(5) of the Act was issued to the petitioner calling upon him to surrender the excess land, which was served on the petitioner on 10-10-1991. Thereafter, the petitioner filed an Appeal No.GNT.93 of 1991 before the Commissioner, Land Reforms and Urban Land Ceilings, Nampally, the second respondent herein, seeking stay of all further proceedings. The second respondent by order dated 30-8-1994 dismissed the appeal. Challenging the same the present writ petition has been filed.

It is contended by the learned counsel appearing on behalf of the petitioner that the first respondent has to prepare a Draft Statement under Section 8(1) of the

Act in respect of the persons who filed a statement under Section 6 of the Act and it has to be served under Section 8(3) of the Act together with a notice calling for objections. According to Rule 5 of the Urban Land Ceiling Rules, such notice has to be sent by Registered Post and an order under Section 8(4) of the Act has to be passed determining the holding of vacant land. Since the orders under Section 8(4) of the Act have not been passed, the respondents are not entitled to pass any orders under sub-section (3) of Section 10 of the Act. Learned counsel further contended that though the petitioner has not chosen to file any objections, the respondents are bound to pass an order under Section 8(4) of the Act and the petitioner is entitled to question the same before the concerned authority.

But, however, a reading of the impugned orders would show that the notice under sub-section (3) of Section 8 of the Act was issued on 31-10-1977 and the final statement under Section 9 of the Act was served on the son of the petitioner on 30-10-1979, but the petitioner has not chosen to file any objections to the draft statement. Hence, notification under sub-section (1) of Section 10 of the Act was duly published in the Gazette on 15-12-1988. It has also been observed in the impugned order that the appeal has been filed in 1991 i.e., nearly after a period of three years at a belated stage. Even though the learned counsel has relied upon a judgment of a single Judge of this court in support of his contention that the respondents are bound to pass orders under Section 8(4) of the Act, since the petitioner has not chosen to file any objections in pursuance of notice issued under sub-section (1) of Section 10 of the Act, he had foregone his statutory right of filing objections. In view of the observations made by the appellate authority in the appeal filed by the petitioner, which is nearly after a period of three years, the contention of the petitioner that he has no knowledge of the notification of the Gazette cannot be accepted, since the Gazette notification is a notice to the public. Under the above circumstances, the contention of the learned counsel for the petitioner fails and I do not find any reason to interfere with the impugned order.

Accordingly, the Writ Petition is dismissed. No costs.

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T. Meena Kumari, J.

12th August, 2004.

Js.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Special Officer and Competent Authority, Urban Land

Ceilings, Arundalpet, Guntur.
2 Commissioner, Land Reforms and Urban Land Ceilings,
Hyderabad.
3 The Secretary, Government of Andhra Pradesh, Secretariat Buildings,
Hyderabad.

4 Two CCs to G.P. for Revenue, High Court Buildings,

High Court of A.P., Hyderabad. (OUT).

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